

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 11-2627 (JCGx)	Date	July 22, 2011
Title	MARC AISEN v. BERG, KAREN et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE		
S. Eagle	Not Reported		
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys <b>NOT</b> Present for Plaintiffs:	Attorneys <b>NOT</b> Present for Defendants:		

**Proceedings:** IN CHAMBERS (No Proceedings Held)

On July 21, 2011, Plaintiff filed an ex parte application to stay this action “for the purpose of investigation and pending the outcome of said investigations.” Dkt. 58, at 4. Plaintiff states these investigations would be conducted into the alleged forged Notice of Dismissal, discussed in this Court’s May 23, 2011 Order reopening this action. Dkt. 40.

Plaintiff has failed to establish sufficient reasons for proceeding *ex parte* rather than by way of noticed motion. *See Mission Power Engineering Co. v. Continental Cas. Co.*, 883 F.Supp. 488, 492 (C.D. Cal. 1995). For example, he has failed to provide this Court with any explanation of his delay in requesting a stay, given that he notified this Court of the alleged forged Notice as early as May 23, 2011. Plaintiff is not precluded from filing a noticed motion on the same grounds. Accordingly, Plaintiff’s Ex Parte Application is DENIED without prejudice.<sup>1</sup>

Given that Plaintiff’s Amended Complaint is due on Monday, July 25, 2011, *see* Dkt. 57, and that Plaintiff, who is pro se, is presumably awaiting this Court’s response to his Ex Parte Application before filing the Amended Complaint, the Court hereby **extends** the deadline for the filing of the Amended Complaint to Friday, **July 30, 2011**. Failure to file an amended complaint by this date will result in outright dismissal of Plaintiff’s RICO cause of action, his only cause of action in this Complaint.

It is so ordered.

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<sup>1</sup>Dkt. 58.

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Initials of Preparer

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